

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION and

THE PEOPLE OF THE STATE OF NEW
YORK, by LETITIA JAMES, Attorney
General of the State of New York,

Plaintiffs,

v.

QUINCY BIOSCIENCE HOLDING
COMPANY, INC., a corporation;

QUINCY BIOSCIENCE, LLC, a limited
liability company;

PREVAGEN, INC., a corporation
d/b/a/ SUGAR RIVER SUPPLEMENTS;

QUINCY BIOSCIENCE
MANUFACTURING, LLC, a limited
liability company; and

MARK UNDERWOOD, individually and as
an officer of QUINCY BIOSCIENCE
HOLDING COMPANY, INC., QUINCY
BIOSCIENCE, LLC, and PREVAGEN,
INC.,

Defendants.

Case No. 1:17-cv-00124-LLS

**DECLARATION OF KATE
MATUSCHAK IN SUPPORT OF THE
NYAG’S LETTER-MOTION FOR
LOCAL RULE 37.2 CONFERENCE
FOR LEAVE TO FILE MOTION FOR
PROTECTIVE ORDER AS TO
DEFENDANTS’ RULE 30(b)(6)
DEPOSITION NOTICE TO THE
NYAG**

I, Kate Matuschak, declare:

1. I am an Assistant Attorney General in the Office of the New York State Attorney General, which represents the People of the State of New York in the above-captioned litigation against Corporate Defendants Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC, Prevagen, Inc., and Quincy Bioscience Manufacturing, LLC, and Individual Defendant Mark Underwood (collectively, “Defendants”). I submit this Declaration in support of the NYAG’s letter-motion requesting a pre-motion discovery conference regarding Defendants’ proposed Rule 30(b)(6) deposition of the NYAG.

2. Attached as Exhibit A is a true and correct copy of Defendants' Revised Notice of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6) to Plaintiff [the NYAG], dated October 9, 2020.

3. Attached as Exhibit B is a true and correct copy of Defendants Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC, Prevagen, Inc., and Quincy Bioscience Manufacturing, LLC's First Request for Production of Documents to Attorney General of the State of New York, dated September 20, 2019.

4. The NYAG has produced, and will continue to produce, all non-privileged documents responsive to Quincy's First Request for Production of Documents. The NYAG certified that its document production was complete on July 15, 2020.

5. Attached as Exhibit C is a true and correct copy of Defendants Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC, Prevagen, Inc., and Quincy Bioscience Manufacturing, LLC's First Set of Interrogatories to Attorney General of the State of New York, dated September 20, 2019.

6. Attached as Exhibit D is a true and correct copy of Defendants Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC, Prevagen, Inc., and Quincy Bioscience Manufacturing, LLC's Second Set of Interrogatories to Plaintiffs Federal Trade Commission and Attorney General of the State of New York, dated August 14, 2020.

7. In addition to the proposed compromises reflected in Exhibit B to the Castello Declaration [Dkt. No. 138], the NYAG additionally proposed to provide a response to an interrogatory in lieu of testimony on Quincy's proposed Topics 2-4.

I declare under penalty of perjury that the foregoing is true and correct.

Date: November 3, 2020

/s/ Kate Matuschak
Kate Matuschak

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of November, 2020, I have served foregoing by electronic filing with the Clerk of the Court using the CM/ECF system, which will send a Notice of Electronic Filing to all counsel of record.

/s/ *Kate Matuschak*
Kate Matuschak